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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:
12 **HEATHER VIOLA LYNCH**
13 **13751 Christian Barrett Drive**
Moorpark, CA 93021

14 **2145 West Broadway #55**
15 **Mesa, AZ 85202**

16 **Registered Nurse License No. 645733**

17 Respondent.
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Case No. **2016-109**
ACCUSATION

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about September 30, 2004, the Board of Registered Nursing issued Registered
24 Nurse License Number 645733 to Heather Viola Lynch (Respondent). The Registered Nurse
25 License was in full effect at all times relevant to the charges brought herein. The license expired
26 on July 31, 2006, and was not renewed.

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JURISDICTION

3. This Accusation is brought under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), on the grounds of unprofessional conduct, in that Respondent has been disciplined by the
5 Arizona State Board of Nursing for the State of Arizona (Arizona Board), for the following:

6 10. On January 28, 2009, the Arizona Board revoked Respondent's registered nurse
7 license no. RN138478, for violations of A.R.S. section 32-1663(D), as defined in A.R.S. section
8 32-1601 (16)(d), (g), (h), (i) and (j), and A.A.C. R4-19-403(B)(1), (17), (18), (26) and (31),
9 Exhibit A.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 645733, issued to Heather
14 Viola Lynch;

15 2. Ordering Heather Viola Lynch to pay the Board of Registered Nursing the reasonable
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions
17 Code section 125.3; and

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 8/28/09

Louise R. Bailey
Louise R. Bailey, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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25 accusation.rtf
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